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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Timothy Huntley Williams,  
Plaintiff,

v.

Nick Saccone, et al.,  
Defendants.

No. CV-23-00781-PHX-JAT (ESW)

**ORDER**

Plaintiff Timothy Huntley Williams, who is confined in a Maricopa County Jail, has filed a pro se civil rights Complaint pursuant to 42 U.S.C. § 1983 (Doc. 1) and an Application to Proceed In Forma Pauperis (Doc. 2). The Court will dismiss the Complaint with leave to amend.

**I. Application to Proceed In Forma Pauperis and Filing Fee**

The Court will grant Plaintiff's Application to Proceed In Forma Pauperis. 28 U.S.C. § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). The Court will assess an initial partial filing fee of \$7.33. The remainder of the fee will be collected monthly in payments of 20% of the previous month's income credited to Plaintiff's trust account each time the amount in the account exceeds \$10.00. 28 U.S.C. § 1915(b)(2). The Court will enter a separate Order requiring the appropriate government agency to collect and forward the fees according to the statutory formula.

**II. Statutory Screening of Prisoner Complaints**

The Court is required to screen complaints brought by prisoners seeking relief

1 against a governmental entity or an officer or an employee of a governmental entity. 28  
 2 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff  
 3 has raised claims that are legally frivolous or malicious, that fail to state a claim upon which  
 4 relief may be granted, or that seek monetary relief from a defendant who is immune from  
 5 such relief. 28 U.S.C. § 1915A(b)(1)–(2).

6 A pleading must contain a “short and plain statement of the claim *showing* that the  
 7 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does  
 8 not demand detailed factual allegations, “it demands more than an unadorned, the-  
 9 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678  
 10 (2009). “Threadbare recitals of the elements of a cause of action, supported by mere  
 11 conclusory statements, do not suffice.” *Id.*

12 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a  
 13 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,  
 14 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content  
 15 that allows the court to draw the reasonable inference that the defendant is liable for the  
 16 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for  
 17 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial  
 18 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual  
 19 allegations may be consistent with a constitutional claim, a court must assess whether there  
 20 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

21 But as the United States Court of Appeals for the Ninth Circuit has instructed, courts  
 22 must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342  
 23 (9th Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less stringent  
 24 standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551  
 25 U.S. 89, 94 (2007) (per curiam)).

26 If the Court determines that a pleading could be cured by the allegation of other  
 27 facts, a *pro se* litigant is entitled to an opportunity to amend a complaint before dismissal  
 28 of the action. *See Lopez v. Smith*, 203 F.3d 1122, 1127-29 (9th Cir. 2000) (en banc).

1 Plaintiff's Complaint will be dismissed for failure to state a claim, but because it may  
 2 possibly be amended to state a claim, the Court will dismiss it with leave to amend.

### 3 **III. Complaint**

4 Plaintiff seeks \$100 trillion dollars in damages and names the follow Defendants in  
 5 his Complaint: Maricopa County Superior Court Commissioner Nicholas Saccone, Public  
 6 Defender Anthony Novitski, Scottsdale Police Department, Prosecutor for the State of  
 7 Arizona, Maricopa County Adult Probation, the State of Arizona Legislature, and the  
 8 United States of America.

9 Plaintiff raises ten claims for relief:

- 10 (1) Plaintiff's Sixth Amendment rights were violated when Defendant Saccone  
 11 "did not follow proper procedure" in CR 2020-107383<sup>1</sup> and Plaintiff has  
 12 "spent a lot of unnecessary time in jail";
- 13 (2) Defendant Saccone violated Plaintiff's Eighth Amendment rights by failing  
 14 to follow proper procedure in CR 2020-107383 and Plaintiff has "spent a lot  
 15 excessive amount of time in jail";
- 16 (3) Defendant Saccone "enforced law that abridged [his] privileges and  
 17 immunities" in CR 2020-107383, in violation of the Fourteenth Amendment;
- 18 (4) Plaintiff's attorney, Defendant Novitski, "did not properly represent  
 19 [Plaintiff], case CR 2020-107383," in violation of the Sixth Amendment;
- 20 (5) Defendant State of Arizona "did not follow proper procedure case CR 2020-  
 21 107383," and violated Plaintiff's Fifth Amendment rights;
- 22 (6) Defendant State of Arizona "did not follow proper procedure, CR 2020-  
 23 107383," and violated Plaintiff's Sixth Amendment rights;
- 24 (7) Defendant State of Arizona "did not follow proper procedure, CR 2020-  
 25 107383," in violation of Plaintiff's Eighth Amendment rights;
- 26 (8) Defendant State of Arizona "did not follow proper procedure Cr 2020-  
 27 107383," in violation of the Fourteenth Amendment;

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28 <sup>1</sup> Plaintiff's state criminal proceedings in CR 2020-107383 are ongoing. *See*  
[http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseInfo.asp?caseNu](http://www.superiorcourt.maricopa.gov/docket/CriminalCourtCases/caseInfo.asp?caseNumber=CR2020-107383)  
[mber=CR2020-107383](https://perma.cc/YGN4-WKL9) (last visited Jun. 5, 2023) [<https://perma.cc/YGN4-WKL9>].

1 (9) Defendant Adult Probation violated the Eighth Amendment when it “did not  
2 follow proper procedure,” because Plaintiff was “not even suppose[d] to be  
3 on probation”; and

4 (10) Plaintiff is “pretty sure that was probably Scottsdale Police’s first and only  
5 J-walking incident”; they “did not follow proper procedure,” in violation of  
6 the Fourteenth Amendment; and Plaintiff did not “knowingly commit any  
7 crime, CR 2020-107383.”

#### 8 **IV. Failure to State a Claim**

##### 9 **A. Defendant Saccone**

10 Judges are absolutely immune from § 1983 suits for damages for their judicial acts  
11 except when they are taken “in the clear absence of all jurisdiction.” *Stump v. Sparkman*,  
12 435 U.S. 349, 356-357 (1978); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986).  
13 An act is “judicial” when it is a function normally performed by a judge and the parties  
14 dealt with the judge in his or her judicial capacity. *Stump*, 435 U.S. at 362; *Crooks v.*  
15 *Maynard*, 913 F.2d 699, 700 (9th Cir. 1990). This immunity attaches even if the judge is  
16 accused of acting maliciously and corruptly, *Peirson v. Ray*, 386 U.S. 547, 553-54 (1967),  
17 or of making grave errors of law or procedure, *Schucker v. Rockwood*, 846 F.2d 1202, 1204  
18 (9th Cir. 1988). Regardless of the judge’s status in the judicial hierarchy, a judge has  
19 absolute immunity for acts performed in the judge’s official capacity. *See Tanner v. Heise*,  
20 879 F.2d 572, 577-78 (9th Cir. 1989) (magistrate); *Brewer v. Blackwell*, 692 F.2d 387, 396  
21 (11th Cir. 1982) (justice of the peace); *O=Neill v. City of Lake Oswego*, 642 F.2d 367 (9th  
22 Cir. 1981) (pro tem municipal judge).

23 Plaintiff sues Defendant Saccone for his actions in conducting Plaintiff’s criminal  
24 proceedings. Defendant Saccone is absolutely immune from suit for those acts. Therefore,  
25 the Court will dismiss him.

##### 26 **B. Defendant Novitski**

27 A prerequisite for any relief under § 1983 is a showing that the defendant has acted  
28 under the color of state law. Whether an attorney representing a criminal defendant is a  
public defender or court-appointed counsel, he or she does not act under color of state law.  
*See Polk County v. Dodson*, 454 U.S. 312, 317-18 (1981). Accordingly, Plaintiff’s claim

1 against Defendant Novitski cannot be brought under § 1983, and the Court will dismiss  
2 Defendant Novitski.

### 3 **C. Scottsdale Police Department**

4 Defendant Scottsdale Police Department is a subpart of the City of Scottsdale, not  
5 a separate entity for purposes of suit. *Gotbaum v. City of Phoenix*, 617 F. Supp. 2d 878,  
6 886 (D. Ariz. 2008); *see Brillard v. Maricopa County*, 232 P.3d 1263, 1269 (Ariz. Ct.  
7 App. 2010) (county sheriff's office is a nonjural entity); *see also Vicente v. City of Prescott*,  
8 2012 WL 1438695, at \*3 (D. Ariz. 2012) (city fire department is a nonjural entity); *Wilson*  
9 *v. Yavapai Cty. Sheriff's Off.*, 2012 WL 1067959, at \*4 (D. Ariz. 2012) (county sheriff's  
10 office and county attorney's office are nonjural entities). Because Defendant Scottsdale  
11 Police Department is not a separate entity, it is not capable of being separately sued. Thus,  
12 the Court will dismiss Defendant Scottsdale Police Department.

13 Moreover, even if Plaintiff had sued the City of Scottsdale, his allegations do not  
14 support a claim. A municipality may not be sued solely because an injury was inflicted by  
15 its employees or agents. *Long v. County of Los Angeles*, 442 F.3d 1178, 1185 (9th Cir.  
16 2006). The actions of individuals may support municipal liability only if the employees  
17 were acting pursuant to an official policy or custom of the municipality. *Botello v.*  
18 *Gammick*, 413 F.3d 971, 978-79 (9th Cir. 2005). A § 1983 claim against a municipal  
19 defendant "cannot succeed as a matter of law" unless a plaintiff: (1) contends that the  
20 municipal defendant maintains a policy or custom pertinent to the plaintiff's alleged injury;  
21 and (2) explains how such policy or custom caused the plaintiff's injury. *Sadoski v.*  
22 *Mosley*, 435 F.3d 1076, 1080 (9th Cir. 2006) (affirming dismissal of a municipal defendant  
23 pursuant to Fed. R. Civ. P. 12(b)(6)). Plaintiff has failed to allege facts to support that the  
24 City of Scottsdale maintained a specific policy or custom that resulted in a violation of  
25 Plaintiff's federal constitutional rights and has failed to explain how his injuries were  
26 caused by any municipal policy or custom.

### 27 **D. Maricopa County Adult Probation Office**

28 The Maricopa County Adult Probation Office is not a proper defendant because it

1 is simply an administrative division of Maricopa County and not a separate entity for  
 2 purposes of suit. *See Wilson*, 2012 WL 1067959, at \*4 (D. Ariz. 2012) (county sheriff's  
 3 office and county attorney's office are nonjural entities). Maricopa County Adult  
 4 Probation is therefore an improper Defendant and the Court will dismiss it.

#### 5 **E. State of Arizona Prosecutor**

6 Prosecutors are absolutely immune from liability for damages under § 1983 for their  
 7 conduct in “initiating a prosecution and in presenting the State’s case” insofar as that  
 8 conduct is “intimately associated with the judicial phase of the criminal process.” *Buckley*  
 9 *v. Fitzsimmons*, 509 U.S. 259, 270 (1993) (quoting *Imbler v. Pachtman*, 424 U.S. 409, 430-  
 10 31 (1976)). Immunity even extends to prosecutors for “eliciting false or defamatory  
 11 testimony from witnesses or for making false or defamatory statements during, and related  
 12 to, judicial proceedings.” *Buckley*, 509 U.S. at 270; *see also Broam v. Bogan*, 320 F.3d  
 13 1023, 1029-30 (9th Cir. 2003) (prosecutor absolutely immune from liability for failure to  
 14 investigate the accusations against a defendant before filing charges; for knowingly using  
 15 false testimony at trial; and for deciding not to preserve or turn over exculpatory material  
 16 before trial, during trial, or after conviction); *Roe v. City & County of S.F.*, 109 F.3d 578,  
 17 583-84 (9th Cir. 1997) (absolute immunity for decision to prosecute or not to prosecute  
 18 and for professional evaluation of a witness and evidence assembled by the police).  
 19 Plaintiff’s claims against the prosecutor in his criminal case all relate to the prosecutor’s  
 20 actions in that case. Accordingly, the prosecutor is immune from suit under § 1983.

#### 21 **F. State of Arizona and State of Arizona Legislature**

22 Under the Eleventh Amendment to the Constitution of the United States, a state or  
 23 state agency may not be sued in federal court without its consent. *Pennhurst State Sch. &*  
 24 *Hosp. v. Halderman*, 465 U.S. 89, 100 (1984); *Taylor v. List*, 880 F.2d 1040, 1045 (9th  
 25 Cir. 1989). Furthermore, “a state is not a ‘person’ for purposes of section 1983.” *Gilbreath*  
 26 *v. Cutter Biological, Inc.*, 931 F.2d 1320, 1327 (9th Cir. 1991) (citation omitted).  
 27 Therefore, the Court will dismiss Defendant State of Arizona.

28 . . . .

1 A state legislature is not a “person” for purposes of § 1983 liability. Further,  
 2 individual state legislators are entitled to absolute immunity from suit under § 1983 for  
 3 legislative acts. *See Bogan v. Scott-Harris*, 523 U.S. 44, (1998) (“state and regional  
 4 legislators are entitled to absolute immunity from liability under § 1983 for their legislative  
 5 activities.”); *Harlow v. Fitzgerald*, 457 U.S. 800, 807 (1982); *see Kaahumanu v. County*  
 6 *of Maui*, 315 F.3d 1215, 1219 (9th Cir. 2003); *Kuzinich*, 689 F.2d at 1349. Accordingly,  
 7 the State of Arizona Legislature is not a proper Defendant and will be dismissed.

#### 8 **G. United States of America**

9 Sovereign immunity prevents actions against the United States. *Arnsberg v. United*  
 10 *States*, 757 F.2d 971, 980 (9th Cir. 1985); *Holloman v. Watt*, 708 F.2d 1399, 1401-02 (9th  
 11 Cir. 1983); *see also Gerritsen v. Consulado General De Mexico*, 989 F.2d 340, 343 (9th  
 12 Cir. 1993) (federal agencies are immune from suit and the district courts lack jurisdiction  
 13 over them absent express statutory authorization). Plaintiff does not identify any statute  
 14 that serves to waive sovereign immunity with respect to his claims. Accordingly,  
 15 Defendants United States of America, United States Bureau of Prisons, United States  
 16 Department of Justice are immune from suit in this *Bivens* action.

#### 17 **V. Leave to Amend**

18 For the foregoing reasons, the Court will dismiss Plaintiff’s Complaint for failure to  
 19 state a claim upon which relief may be granted. Within 30 days, Plaintiff may submit a  
 20 first amended complaint to cure the deficiencies outlined above. The Clerk of Court will  
 21 mail Plaintiff a court-approved form to use for filing a first amended complaint. If Plaintiff  
 22 fails to use the court-approved form, the Court may strike the amended complaint and  
 23 dismiss this action without further notice to Plaintiff.

24 Plaintiff must clearly designate on the face of the document that it is the “First  
 25 Amended Complaint.” The first amended complaint must be retyped or rewritten in its  
 26 entirety on the court-approved form and may not incorporate any part of the original  
 27 Complaint by reference. Plaintiff may include only one claim per count.

28 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,

1 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d  
 2 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original Complaint  
 3 as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the  
 4 original Complaint and that was voluntarily dismissed or was dismissed without prejudice  
 5 is waived if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693  
 6 F.3d 896, 928 (9th Cir. 2012) (en banc).

## 7 **VI. Warnings**

### 8 **A. Release**

9 If Plaintiff is released while this case remains pending, and the filing fee has not  
 10 been paid in full, Plaintiff must, within 30 days of his release, either (1) notify the Court  
 11 that he intends to pay the unpaid balance of his filing fee within 120 days of his release or  
 12 (2) file a non-prisoner application to proceed in forma pauperis. Failure to comply may  
 13 result in dismissal of this action.

### 14 **B. Address Changes**

15 Plaintiff must file and serve a notice of a change of address in accordance with Rule  
 16 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other  
 17 relief with a notice of change of address. Failure to comply may result in dismissal of this  
 18 action.

### 19 **C. Possible “Strike”**

20 Because the Complaint has been dismissed for failure to state a claim, if Plaintiff  
 21 fails to file an amended complaint correcting the deficiencies identified in this Order, the  
 22 dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C. § 1915(g).  
 23 Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil  
 24 judgment in forma pauperis under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior  
 25 occasions, while incarcerated or detained in any facility, brought an action or appeal in a  
 26 court of the United States that was dismissed on the grounds that it is frivolous, malicious,  
 27 or fails to state a claim upon which relief may be granted, unless the prisoner is under  
 28 imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).



**Instructions for a Prisoner Filing a Civil Rights Complaint  
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4 provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. The Filing and Administrative Fees. The total fees for this action are \$402.00 (\$350.00 filing fee plus \$52.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. § 1915” for additional instructions.
5. Original and Judge’s Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Mail the original and one copy of the complaint with the \$402 filing and administrative fees or the application to proceed in forma pauperis to:**

Phoenix & Prescott Divisions:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 130  
401 West Washington Street, SPC 10  
Phoenix, Arizona 85003-2119

**OR**

Tucson Division:  
U.S. District Court Clerk  
U.S. Courthouse, Suite 1500  
405 West Congress Street  
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis). Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. *See Fed. R. Civ. P. 5(a), (d).* Any document received by the Court that does not include a certificate of service may be stricken. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed  
this \_\_\_\_\_ (month, day, year) to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Attorney for Defendant(s)

\_\_\_\_\_  
(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

12. Completing the Civil Rights Complaint Form.

**HEADING:**

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

**Part A. JURISDICTION:**

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “*Bivens v. Six Unknown Federal Narcotics Agents*” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

**Part B. PREVIOUS LAWSUITS:**

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

**Part C. CAUSE OF ACTION:**

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**
2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked “Other,” you must identify the specific issue involved.
3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.
4. Injury. State precisely how you were injured by the alleged violation of your rights.
5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. *See* 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

**Part D. REQUEST FOR RELIEF:**

Print the relief you are seeking in the space provided.

**SIGNATURE:**

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

**FINAL NOTE**

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

\_\_\_\_\_  
Name and Prisoner/Booking Number

\_\_\_\_\_  
Place of Confinement

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State, Zip Code

**(Failure to notify the Court of your change of address may result in dismissal of this action.)**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

\_\_\_\_\_,  
(Full Name of Plaintiff)

Plaintiff,

v.

(1) \_\_\_\_\_,  
(Full Name of Defendant)

(2) \_\_\_\_\_,

(3) \_\_\_\_\_,

(4) \_\_\_\_\_,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

**CASE NO.** \_\_\_\_\_  
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- ☐ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: \_\_\_\_\_.

2. Institution/city where violation occurred: \_\_\_\_\_.

## B. DEFENDANTS

1. Name of first Defendant: \_\_\_\_\_. The first Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
2. Name of second Defendant: \_\_\_\_\_. The second Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
3. Name of third Defendant: \_\_\_\_\_. The third Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)
4. Name of fourth Defendant: \_\_\_\_\_. The fourth Defendant is employed as: \_\_\_\_\_ at \_\_\_\_\_.  
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

## C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits:
  - a. First prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - b. Second prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
  - c. Third prior lawsuit:
    1. Parties: \_\_\_\_\_ v. \_\_\_\_\_
    2. Court and case number: \_\_\_\_\_
    3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.



## COUNT II

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_  
\_\_\_\_\_.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- |  |   |   |                                       |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities             | <input type="checkbox"/> Mail             | <input type="checkbox"/> Access to the court  | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings      | <input type="checkbox"/> Property         | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation  |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____         |                                       |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

### COUNT III

1. State the constitutional or other federal civil right that was violated: \_\_\_\_\_.
  2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.  

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Mail	<input type="checkbox"/> Access to the court	<input type="checkbox"/> Medical care
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Property	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Excessive force by an officer	<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____.	
  3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.  
\_\_\_\_\_  
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  4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
  5. **Administrative Remedies.**
    - a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
    - b. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
    - c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
    - d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. \_\_\_\_\_.

**If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.**

**E. REQUEST FOR RELIEF**

State the relief you are seeking:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
(Name and title of paralegal, legal assistant, or  
other person who helped prepare this complaint)

\_\_\_\_\_  
(Signature of attorney, if any)

\_\_\_\_\_  
(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.